

01/10/01
jc972 U.S. PTO

01-11-01.

A

Practitioner's Docket No. 701039-050920

PATENT

jc918 U.S. PTO
09/758007
01/10/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Leonard I. ZON, James AMATRUDA, Jennifer SHEPARD and
Matthew FREEDMAN

Application No.: Not yet assigned

Group No.: Not yet assigned

Filed: Herewith

Examiner: Not yet assigned

For: METHOD FOR IDENTIFYING GENES INVOLVED IN CELL PROLIFERATION

CERTIFICATE OF MAILING

I hereby certify that this correspondence, on the date shown below, is being deposited with the
United States Postal Service with sufficient postage as Express Mail – Label No. EL565095385US
in an envelope addressed to Assistant Commissioner of Patents, Washington, D.C. 20231.

Date: January 10, 2001

Nicole M. Gignac

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

1. Type of Application

This new application is for an

(check one applicable item below)

- ☒ Original (nonprovisional)
- ☐ Design
- ☐ Plant
- ☐ Divisional.
- ☐ Continuation.
- ☐ Continuation-in-part (C-I-P).

2. Benefit of Prior U.S. Application(s) (35 U.S.C. Sections 119(e), 120, or 121)

- ☐ The new application being transmitted claims the benefit of prior U.S. applica-
tion(s). Enclosed are ADDED PAGES FOR NEW APPLICATION
TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S)
CLAIMED.

In re application of: ZON, L., et al.

Title: METHOD FOR IDENTIFYING GENES INVOLVED IN CELL PROLIFERATION

3. Papers Enclosed

A. Required for Filing Date under 37 C.F.R. Section 1.53(b) (Regular) or 37 C.F.R. Section 1.153 (Design) Application

44 Pages of Specification

4 Pages of Claims

29 Sheets of Drawing

(complete the following, if applicable)

☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. Section 1.84(b).

☐ Formal

☐ Informal

B. Other Papers Enclosed

 Pages of declaration and power of attorney

1 Pages of Abstract

 Other

4. Additional Papers Enclosed

☐ Amendment to claims

☐ Cancel in this applications claims _____ before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

☐ Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)

☐ Preliminary Amendment

☐ Information Disclosure Statement (37 C.F.R. Section 1.98)

☐ Form PTO-1449 (PTO/SB/08A and 08B)

☐ Citations

☐ Declaration of Biological Deposit

In re application of: ZON, L., et al.

Title: METHOD FOR IDENTIFYING GENES INVOLVED IN CELL PROLIFERATION

- ☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- ☐ Special Comments
- ☐ Other

5. Declaration or Oath (including power of attorney)

- ☐ Enclosed

Executed by:

(check all applicable boxes)

- ☐ inventor(s).
- ☐ legal representative of inventor(s). 37 C.F.R. Section 1.42 or 1.43.
- ☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
- ☐ This is the petition required by 37 C.F.R. Section 1.47 and the statement required by 37 C.F.R. Section 1.47 is also attached. See item 13 below for fee.

- ☒ Not Enclosed.

- ☒ Application is made by a person authorized under 37 C.F.R. 1.41 on behalf of *all* the above named inventor(s).

(The declaration or oath, along with the surcharge required by 37 C.F.R. Section 1.16(e), can be filed subsequently).

- ☐ Showing that the filing is authorized.
(not required unless called into question. 37 C.F.R. Section 1.41(d))

In re application of: ZON, L., et al.

Title: METHOD FOR IDENTIFYING GENES INVOLVED IN CELL PROLIFERATION

6. Inventorship Statement

The inventorship for all the claims in this application are:

☒ The same.

or

☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,

☐ is submitted.

☐ will be submitted.

7. Language

☒ English

☐ Non-English

☐ The attached translation includes a statement that the translation is accurate. 37 C.F.R. Section 1.52(d).

8. Assignment

☐ An assignment of the invention to _____

☐ is attached. A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☒ FORM PTO 1595 is also attached.

☒ will follow.

9. Certified Copy

Certified copy(ies) of application(s)

| Country | Appln. no. | Filed |
|--------------------------------|--------------------|-------|
| Country | Appln. no. | Filed |
| Country | Appln. no. | Filed |
| from which priority is claimed | | |
| <input type="checkbox"/> | is (are) attached. | |
| <input type="checkbox"/> | will follow. | |

In re application of: ZON, L., et al.

Title: METHOD FOR IDENTIFYING GENES INVOLVED IN CELL PROLIFERATION

10. Fee Calculation (37 C.F.R. Section 1.16)

A. ☒ Regular application

| CLAIMS AS FILED | | | | | |
|---|--------------|---------------------|--------------|----------|--|
| Claims | Number Filed | Basic Fee Allowance | Number Extra | Rate | Basic Fee 37 C.F.R. Section 1.16(a) \$710.00 |
| Total Claims (37 C.F.R. Section 1.16(c)) | 29 | - 20 = | 9 x | \$18.00 | \$162.00 |
| Independent Claims (37 C.F.R. Section 1.16(b)) | 2 | - 3 = | 0 x | \$80.00 | \$0.00 |
| Multiple Dependent Claim(s), if any (37 C.F.R. Section 1.16(d)) | 8 | | + | \$270.00 | \$270.00 |

- ☐ Amendment cancelling extra claims is enclosed.
☐ Amendment deleting multiple-dependencies is enclosed.
☒ Fee for extra claims is not being paid at this time.

Filing Fee Calculation \$1142.00

B. ☐ Design application
(\$310.00--37 C.F.R. Section 1.16(f))

Filing Fee Calculation \$ _____

In re application of: ZON, L., et al.

Title: METHOD FOR IDENTIFYING GENES INVOLVED IN CELL PROLIFERATION

C. ☐ Plant application

(\$480.00--37 C.F.R. Section 1.16(g))

Filing Fee Calculation \$_____

11. Small Entity Statement(s)

☒ Applicant asserts Small Entity status pursuant to (37 C.F.R. 172).

(complete the following, if applicable)

☐ Status as a small entity was claimed in prior application
_____/_____, filed on _____ from which benefit is being
claimed for this application under:

35 U.S.C. Section ☐ 119(e),
☐ 120,
☐ 121,
☐ 365(c),

and which status as a small entity is still proper and desired.

☐ A copy of the statement in the prior application is included.

Filing Fee Calculation (50% of A, B or C above) \$571.00

12. Request for International-Type Search (37 C.F.R. Section 1.104(d))

(complete, if applicable)

☐ Please prepare an international-type search report for this application at the time
when national examination on the merits takes place.

13. Fee Payment Being Made at This Time

☒ Not Enclosed

☒ No filing fee is to be paid at this time.
*(This and the surcharge required by 37 C.F.R. Section 1.16(e) can be paid
subsequently.)*

In re application of: ZON, L., et al.

Title: METHOD FOR IDENTIFYING GENES INVOLVED IN CELL PROLIFERATION

☐ Enclosed

☐ Filing fee \$ _____

☐ Recording assignment
(\$40.00; 37 C.F.R. Section 1.21(h))
(See attached "COVER SHEET FOR
ASSIGNMENT ACCOMPANYING NEW
APPLICATION.") \$ _____

☐ Petition fee for filing by other
than all the inventors or person
on behalf of the inventor where
inventor refused to sign or cannot
be reached
(\$130.00; 37 C.F.R. Sections 1.47 and 1.17(i))\$

☐ For processing an application with a
specification in a non-English language
(\$130.00; 37 C.F.R. Sections 1.52(d) and 1.17(k))\$

☐ Processing and retention fee
(\$130.00; 37 C.F.R. Sections 1.53(d) and 1.21(l))\$

☐ Fee for international-type search report
(\$40.00; 37 C.F.R. Section 1.21(e)) \$

Total Fees Enclosed \$ 0.00

14. Method of Payment of Fees

☐ Check in the amount of \$ _____.

☐ Charge Account No. _____ in the amount of \$ _____.
A duplicate of this transmittal is attached.

In re application of: ZON, L., et al.

Title: METHOD FOR IDENTIFYING GENES INVOLVED IN CELL PROLIFERATION

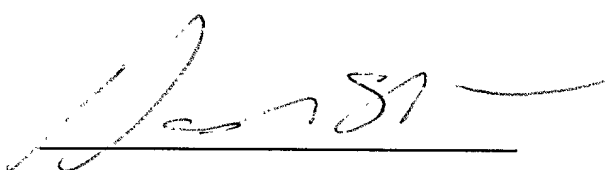
15. Authorization to Charge Additional Fees

- ☐ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 50-0850.
- ☐ 37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)
- ☐ 37 C.F.R. Section 1.16(b), (c) and (d) (presentation of extra claims)
- ☐ 37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☐ 37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to Section 1.136(a).
- ☐ 37 C.F.R. Section 1.17 (application processing fees)
- ☐ 37 C.F.R. Section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. Section 1.311(b))

16. Instructions as to Overpayment

- ☒ Credit Account No. 50-0850.
- ☐ Refund

Date: January 10, 2001



David S. Resnick (Reg. No. 34,235)
NIXON PEABODY LLP
101 Federal Street
Boston, MA 02110
Tel: (617) 345-1000, X6057
Fax: (617) 345-1300

In re application of: ZON, L., et al.

Title: METHOD FOR IDENTIFYING GENES INVOLVED IN CELL PROLIFERATION

☐ **Incorporation by reference of added pages**

(check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED)

☐ Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added _____

☐ Plus Added Pages for Papers Referred to in Item 4 Above

Number of pages added _____

☐ Plus added pages deleting names of inventor(s) named on prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application.

Number of pages added _____

☐ Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added _____

☒ **Statement Where No Further Pages Added**

(if no further pages form a part of this Transmittal, then end this Transmittal with this page and check the following item)

☒ This transmittal ends with this page.

Docket No. 701039-050920

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Leonard I. ZON, James AMATRUDA, Jennifer SHEPARD, Matthew FREEDMAN
Application No.: Not yet assigned Group No.: Not yet assigned
Filed: Herewith Examiner: Not yet assigned
For: METHOD FOR IDENTIFYING GENES INVOLVED IN CELL PROLIFERATION



Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

EXPRESS MAIL CERTIFICATE

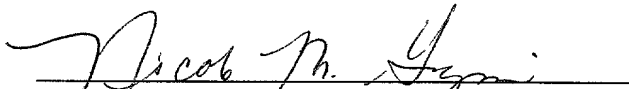
"Express Mail" Label Number: EL565095385US
Date of Deposit: January 10, 2001

I hereby state that the following *attached* papers and fees:

1. New Application Transmittal (9 pgs);
2. Original (nonprovisional) Patent Application (78 pgs): Specification – 44 pgs; Claims - 4 pgs; Figures - 29 pgs; and Abstract 1 pg;
3. Return Receipt Postcard;

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. section 1.10, on the date indicated above and is addressed to Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231.

Nicole M. Gignac


Signature of person mailing paper or fee